

## **REMARKS**

Rejection of Claims 1-24 under 35 U.S.C. § 103 (a) as being unpatentable over United States Patent No. 6,901,268 B2 to Chang in view of United States Patent Application Publication No. 2003/0169707 A1 to Usuda et al.

Applicant has reviewed the claims, the cited references and the arguments presented in the Office Action and respectfully traverse the rejection. Applicant has previously described the claims and Chang and those arguments are incorporated by reference here. Applicant further submits that the addition of Usuda does not overcome the deficiencies described for Chang. Applicant therefore respectfully requests reconsideration of the rejection of claims 1-24 under 35 U.S.C. § 103(a) as being unpatentable over Chang in view of Usuda.

As previously stated, amended claims 1, 11 and 18 state that the first and second channels are co-channels between a base station and a mobile station so that the condition the classification of one of the co-channels, e.g. a second channel, between a base station and a mobile station can cause the reclassification of the other of the co-channels, e.g. the first channel, between the base station and the mobile station. Specifically, the first channel can be reclassified from a DTX to a TX or erasure depending on the conditions of the second channel.

Usuda is directed to a channel structure of a mobile communication system including a radio base station having a transmission antenna able to control a beam direction for each of a plurality of mobile stations in a cell. The mobile stations carry out radio communication using a shared channel together with an associated dedicated channel used in association with the shared channel. The shared channel is shared by the mobile stations and allocated to each of the mobile stations per predetermined unit transmission. A first pilot channel is set and dedicated used for channel estimation of the shared channel, and a second pilot channel is set and dedicatedly used for channel estimation of the associated dedicated channel.

Usuda is cited to show that co-channels are known in the prior art. In particular, Usuda apparently discloses that the claimed first channel and the second channel are co-channel

between the base station and the mobile station. To the extent that Usuda does disclose the concept of co-channels, Applicant respectfully submits that this is not sufficient to teach in combination with Chang the claims. The claims require that one co-channel of a connection between the base station and the mobile station affects the other co-channel. The description of channels, i.e. shared channel and pilot channels, found in Usuda does not include any concept of a change in a packet found in one of those channels affecting a packet in the other of those channels. As Applicant argued previously, Chang also does not teach that concept. Chang teaches that the factors of a channel between a base station and a mobile station may affect a channel between the base station and another network entity. In other words, a change in a packet in one channel can affect the next channel in a path. By adding the concept of co-channels from Usuda to Chang there is still missing the link that it can affect a co-channel where that co-channel is between the same entities in a network. This is what is missing, and Applicant respectfully submits that Chang's teaching does not translate into the affect that one co-channel has in another co-channel between a base station and mobile station as required by the claims.

In view of the foregoing, Applicant respectfully submits that the combination of Chang and Usuda does not disclose, teach or otherwise suggest the first channel and the second channel being co-channels between a base station and a mobile station and that the first channel of the co-channels can be reclassified according to the classification of the second channel. Applicant therefore respectfully submits that 1, 11 and 18 are patentable over the references. As claims 2-10 depend on claim 1, claims 12-17 depend on claim 11 and claims 19-24 depend on claim 18, Applicant submits that these claims are patentable for the same reasons. Applicant requests that the rejection under Section 103(a) be withdrawn.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Such action is earnestly solicited by the Applicant. Should the Examiner have any questions, comments, or suggestions, the Examiner is invited to contact the Applicant's attorney or agent at the telephone number indicated below.

Please charge any fees that may be due to Deposit Account 502117, Motorola, Inc.

Respectfully submitted,  
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